

REMARKS

By this Amendment, claims 2, 11 and 17 are canceled. Independent claim 1 is amended to include the patentable limitations of claim 16, and independent claim 10 is amended to include the patentable limitations of canceled claim 11. New dependent claims 21-23 are added. Accordingly, claims 1, 3-10, 12-16 and 18-23 are currently pending in the application.

Claim Rejections – 35 U.S.C. § 103

Pursuant to paragraphs 1 and 2 of the Office Action, claims 1-4 and 16-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable (i.e., obvious) over United States Patent 4,913,301 (Pickler) in view of United States Patent 3,656,643 (Keneson et al.). The Examiner asserts that Pickler “discloses the claimed invention except the sleeves being rotatably mounted and the mechanical stops”, but Keneson et al. “teaches that it is known to provide a dumpster with rotatably mounted sleeves and mechanical stops (see elements 16, 18 and 20).” The Examiner concludes therefore “it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the dumpster of Pickler with the rotatably mounted sleeves and mechanical stops of Keneson et al. in order to facilitate movement and lifting of the container.”

Applicant respectfully traverses the rejection. With respect to independent claim 1, as amended herein, and independent claim 16, the references relied on by the Examiner do not identically disclose or arguably suggest the claimed invention. In particular, the combination of references proposed by the Examiner do not teach *at least one safety lock provided on one of the side walls for engaging the corresponding sleeve when the lifting arms lift and tilt the dumpster*. Keneson et al. arguably teaches a rotatable sleeve (stirrup member 20 pivotable at pivot 22) and a mechanical stop (first stop means 50) for engaging the corresponding lifting arm (tine 28) of a lifting and tilting vehicle (truck 26). However, neither Pickler nor Keneson et al., alone or in combination teach a *safety lock* provided on the side wall of the container (box 10) for engaging the corresponding *sleeve*. The stop means 50 engages the tine 28, but never engages the stirrup member 20 to limit over travel of the container, or otherwise. Thus,

independent claim 1, as amended herein, and independent claim 16 are patentable for at least this reason. Claims 2 and 17 are canceled. Claims 3 and 4 depend directly from patentable base claim 1, and thus, are likewise patentable for at least the same reason. Further, claim 4 is patentable for the additional reason that the stop means 50 is a shaft, and thus, is not generally L-shaped and comprising a flange extending outwardly from the exterior surface of the side wall. Claim 18 depends directly from patentable base claim 16, and thus, is likewise patentable for at least the same reason. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of pending claims 1, 3, 4, 16 and 18 under 35 U.S.C. 103(a).

Pursuant to paragraph 3 of the Office Action, claims 1-4 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable (i.e., obvious) over United States Patent 5,248,057 (Taylor) in view of Keneson et al. The Examiner asserts that Taylor "discloses the claimed invention except for the sleeves and stops", but Keneson et al. "teaches that it is known to provide a dumpster with rotatably mounted sleeves and mechanical stops (see elements 16, 18 and 20)." The Examiner concludes therefore "it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the dumpster of Taylor with the rotatably mounted sleeves and mechanical stops of Keneson et al. in order to facilitate movement and lifting of the container."

Applicant respectfully traverses the rejection. With respect to independent claim 1, as amended herein, and independent claim 16, the references relied on by the Examiner do not identically disclose or arguably suggest the claimed invention. As discussed above, the combination of references proposed by the Examiner do not teach *at least one safety lock provided on one of the side walls for engaging the corresponding sleeve when the lifting arms lift and tilt the dumpster*. Neither Taylor nor Keneson et al., alone or in combination teach a safety lock provided on the side wall of the container (box 10) for engaging the corresponding sleeve. The stop means 50 engages the tine 28, but never engages the stirrup member 20 to limit over travel of the container, or otherwise. Thus, independent claim 1, as amended herein, and independent claim 16 are patentable for at least this reason. Claim 2 is canceled. Claims 3 and 4 depend directly from patentable base claim 1, and thus, are likewise patentable for at least the same reason. Further, claim 4 is patentable for the additional reason that the stop means 50

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is a shaft, and thus, is not generally L-shaped and comprising a flange extending outwardly from the exterior surface of the side wall. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of pending claims 1, 3, 4 and 16 under 35 U.S.C. 103(a).

Pursuant to paragraph 4 of the Office Action, claims 5-9 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable (i.e., obvious) over Taylor in view of Keneson et al., as applied to claim 1 above, and further in view of United States Patent 2,702,142 (Jones). The Examiner asserts that the modified container of Taylor "discloses the claimed invention except for the lower door", but Jones "teaches that it is known to provide a container with a lower door (see Figure 4)." The Examiner concludes therefore "it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Taylor with a lower door as taught by Jones, in order to allow easy dispensing."

Applicant respectfully traverses the rejection. Claims 5-9 depend directly or indirectly from patentable base claim 1 and claim 20 depends directly from patentable base claim 16. Thus, the rejected claims are patentable for at least the same reason. Furthermore, the references relied on by the Examiner do not identically disclose or arguably suggest the claimed invention. In particular, the combination of references proposed by the Examiner do not teach *the upper door and the lower door having side panels or the ends of the side walls adjacent the end wall being chamfered such that the upper door, the lower door and the side walls define a discharge chute with the upper door and the lower door each in the opened position*, as required by claims 5 and 20. In addition, the references do not teach *the side panels of the upper door and the lower door overlap the chamfered ends of the side walls or the lower door being positioned inwardly of the upper door so that the lower door opens the upper door when the dumpster is tilted*, as required by claims 6 and 9, respectively. Thus, dependent claims 5, 6, 9 and 20 are patentable for at least these additional reasons. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of pending claims 5-9 and 20 under 35 U.S.C. 103(a).

Pursuant to paragraph 5 of the Office Action, claims 10-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable (i.e., obvious) over Taylor in view of Jones. The Examiner

asserts that Taylor "discloses the claimed invention except for the lower door", but Jones "teaches that it is known to provide a container with a lower door (see Figure 4)." The Examiner concludes therefore "it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Taylor with a lower door as taught by Jones, in order to allow easy dispensing."

Applicant respectfully traverses the rejection. With respect to independent claim 10, as amended herein, the references relied on by the Examiner do not identically disclose or arguably suggest the claimed invention. In particular, neither Taylor nor Jones, alone or in combination teach *the upper door, the lower door and the chamfered ends of said side walls define a discharge chute when the upper door and the lower door are each in the opened position.* Merely adding the lower door of Jones to the container of Taylor having an upper door does not produce the claimed invention since the modified container would then comprise both an upper door and a lower door that rotate *upwardly*. As such, the upper door, the lower door and the side walls would not define a discharge chute for discharging solid waste. Thus, independent claim 10, as amended herein, is patentable for at least this reason. Claim 11 is canceled. Claims 12-15 depend directly or indirectly from patentable base claim 10, and thus, are likewise patentable for at least the same reason. Further, the proposed combination does not teach *the upper door and the lower door each having side panels that overlap the chamfered ends of the side walls or the lower door being positioned inwardly of the upper door so that the lower door opens the upper door when the dumpster is tilted*, as required by claims 12 and 15, respectively. Thus, dependent claims 12 and 15 are patentable for at least these additional reasons. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of pending claims 10 and 12-15 under 35 U.S.C. 103(a).

Allowable Subject Matter

Pursuant to paragraph 6 of the Office Action, claim 19 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant gratefully acknowledges the Examiner's indication of the allowable subject matter. However,

Applicant submits that dependent claim 19 is patentable for at least the reasons stated above with respect to independent claim 16. Further, none of the references relied on by the Examiner disclose or suggest a safety lock comprising a locking arm rotatably mounted on a pivot pin and having a protruding lip that engages a receiving tab on the corresponding *sleeve*. Accordingly, Applicant has not rewritten claim 19 in independent form as suggested by the Examiner. Applicant further submits that new dependent claims 21-23 are likewise patentable as being dependent upon allowable base claims 16, 1 and 10, respectively. Further, none of the cited references disclose or suggest an upper door and a lower door that do not obstruct the packer blade of a front loading truck when the upper door and the lower door are each in the opened position. Accordingly, Applicant submits that the pending claims 1, 3-10, 12-16 and 18-23 are patentable and respectfully requests the Examiner to issue a corresponding Notice of Allowability.

CONCLUSION

This Amendment being fully responsive to the Office Action and overcoming the rejections and objections asserted therein, Applicant submits that the application is now in condition for immediate allowance. This Amendment is timely filed and does not result in more independent (3) or total claims (20) than paid for previously. Accordingly, no petition for extension of time is required and no fee for extension of time or excess claims is believed due.

Respectfully submitted,



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Dated: December 15, 2005

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